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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,656	02/18/2004	Robert McCarthy	200311470-1	5486
22879 7590 10/22/2007 HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			EXAMINER MCCLAIN, GERALD	
			ART UNIT 3653	PAPER NUMBER
			MAIL DATE 10/22/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/782,656

Applicant(s)

MCCARTHY, ROBERT

Examiner

Gerald W. McClain

Art Unit

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,6,10,12-16 and 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,6,10,12-16 and 18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 27 September 2007 has been entered.

Note: Claim 19 was cancelled in the claims filed 27 August 2007. Claim 19 is hereby cancelled and not considered.

### ***Claim Rejections - 35 USC § 103***

Claims 1-2, 4, 6, 12-15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Helmstaedter, et al. (U.S. 5,454,312) ("Helmstaedter") in view of Krueger (U.S. 2,231,339) and further in view of Tajima (JP 62-215441) and Hudson et al. (U.S. 2004/0113349) ("Hudson"). Helmstaedter discloses:

Claims 1 and 4: support (See Fig. 1, concentric circles on 10); cups (10);

Claim 1: distal surfaces (10); conveyor (4); drum (3);

Claim 2: rotatable member (rotates on 5);

Claim 4: axis (of rotation) (center of 5);

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Claims 6 and 15: at least four suction members (Fig. 3);

Claim 12: gripper (8),

where "cups" are equivalent to "suction members" and "coupling members".

Helmstaedter does not directly show a first plane, a second plane, at least four suction members arranged with the middle cups being in the first plane and the outer cups in the second plane, or a liquid electrophotography print engine.

Krueger shows a similar device having a first plane and a second plane (Fig. 7) for the purpose of "eliminating the disadvantages of earlier machines and to provide at the same time a simplified construction which will be more economical to build and will afford less trouble during operation than has heretofore been practical" (page 1, column 1, lines 18-23). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention to modify Helmstaedter as taught by Krueger and include Krueger's similar device having a first plane and a second plane for the purpose of "eliminating the disadvantages of earlier machines and to provide at the same time a simplified construction which will be more economical to build and will afford less trouble during operation than has heretofore been practical".

Tajima shows a similar device having at least four suction members arranged with the middle cups being in the first plane and the outer cups in the second plane (66a-66e) for the purpose of balancing the medium [sic] in the printing device. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention to modify Helmstaedter and Hudson as taught by Tajima and include Tajima's similar device having at least four suction members arranged with the middle

cups being in the first plane and the outer cups in the second plane for the purpose of balancing the medium [sic] in the printing device.

Hudson shows a similar device having a liquid electrophotography print engine (paragraph [0020], lines 3-7) for the purpose of inexpensively reproducing print media. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention to modify Helmstaedter as taught by Hudson and include Hudson's similar device having a liquid electrophotography print engine for the purpose of inexpensively reproducing print media.

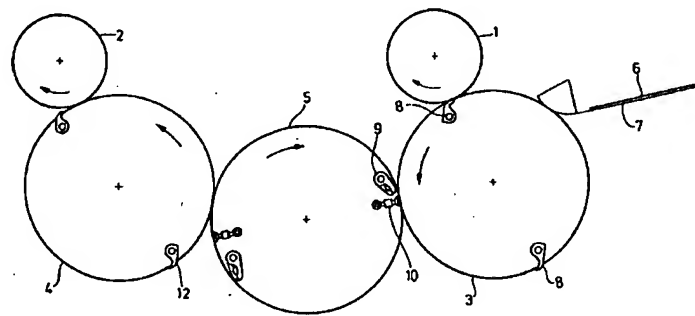
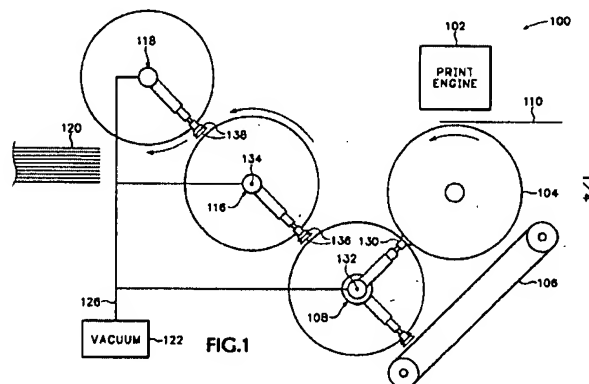


Fig. 1

Helmstaedter, et al.



Present Application

***Allowable Subject Matter***

Claims 10 and 18 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: the sets of suction cups are rotatable independently from the second set of suction cups.

***Response to Arguments***

Applicant's arguments with respect to the claims above have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald W. McClain whose telephone number is (571) 272-7803. The examiner can normally be reached on Monday through Friday from 7:30 a.m. to 4:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick H. Mackey can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.


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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Gerald W. McClain  
Examiner  
Art Unit 3653



PATRICK MACKAY  
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